

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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REUBEN AVENT,

Plaintiff,

1:19-cv-0831 (BKS/DJS)

v.

PLATINUM PLUS AUTO PROTECTION,  
CHRISTINA STRAIN, and PAYLINK DIRECT,

Defendants.

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**Appearances:**

*Plaintiff, pro se:*  
Reuben Avent  
New York, NY 10039

**Hon. Brenda K. Sannes, United States District Judge:**

**MEMORANDUM-DECISION AND ORDER**

Plaintiff Reuben Avent, commenced this action pro se on July 11, 2019, alleging that the Defendants violated his civil rights under 42 U.S.C. §§ 1981, 1983 and 1988. (Dkt. No. 1). This matter was assigned to United States Magistrate Judge Daniel J. Stewart who, on July 29, 2019, issued a Report-Recommendation recommending that Plaintiff's claims under §§ 1983 and 1981 be dismissed without prejudice and that Plaintiff's claims under § 1988 be dismissed with prejudice. (Dkt. No. 5). Magistrate Judge Stewart advised Plaintiff that under 28 U.S.C. § 636(b)(1), he had fourteen days within which to file written objections to the report, and that the failure to object to the report within fourteen days would preclude appellate review. (Dkt. No. 5, at 8).

No objections have been filed. As no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report-

Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 amendment. Having reviewed the Report-Recommendation for clear error and found none, the Report-Recommendation is adopted in its entirety.

For these reasons, it is

**ORDERED** that the Report-Recommendation (Dkt. No. 5) is **ADOPTED** in its entirety; and it is further

**ORDERED** that Plaintiff’s claims under 42 U.S.C. §§ 1983 and 1981 are **DISMISSED without prejudice**; and it is further

**ORDERED** that Plaintiff’s claim under 42 U.S.C. § 1988 is **DISMISSED with prejudice**; and it is further

**ORDERED** that the Clerk serve a copy of this Order upon the parties in accordance with the Local Rules.

**IT IS SO ORDERED.**

  
Brenda K. Sannes  
U.S. District Judge

Dated: September 16, 2019  
Syracuse, New York